

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

CARLOS SMITH PITTERSON,	:	CIV. NO. 22-6877 (RMB)
	:	
Petitioner	:	
v.	:	<b>MEMORANDUM OPINION</b>
	:	
WARDEN FCI FORT DIX,	:	
	:	
	:	
Respondent	:	

---

**IT APPEARING THAT:**

1. On November 29, 2022, Petitioner Carlos Smith Pitterson, a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey (“FCI Fort Dix”), filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging the Bureau of Prison’s (“BOP”) determination of his ineligibility to apply First Step Act Time Credits based on an immigration detainer. (Pet., Docket No. 1.)

2. Respondent was granted an extension of time to answer the petition, with the answer due on March 20, 2023. (Docket No. 5.)

3. On February 27, 2023, Respondent filed a letter in lieu of an answer, asserting that the habeas petition is moot. (Docket No. 6.) On February 6, 2023, the BOP issued a Change Notice implementing several changes to Program Statement 5410.01.<sup>1</sup> In the Change Notice, BOP explicitly removed any references to detainers rendering inmates ineligible to apply time credits. As of February 11, 2023,

---

<sup>1</sup> [https://www.bop.gov/policy/progstat/5410.01\\_cn.pdf](https://www.bop.gov/policy/progstat/5410.01_cn.pdf)

Petitioner earned a total of 290 days FSA Time Credits. (Declaration of Jonathon Kerr,<sup>2</sup> Exhibit 1; Docket No. 6-1 at 6.) When this credit was applied toward Petitioner's early transfer to supervised release, his projected release date changed from April 13, 2029 (via good conduct time) to June 27, 2028 (via FSA Time Credits). (*Id.*)

4. When a habeas petitioner receives the relief sought in their habeas petition, there is no longer a case or controversy, and the petition must be dismissed as moot. *Blanciak v. Allegheny Ludlum Corp.*, 77 F.3d 690, 698-99 (3d Cir. 1996).

5. The BOP revised the BOP Program Statement that rendered Petitioner ineligible for application of his FSA Time Credits, and awarded his earned FSA Time Credits. Petitioner has received the relief requested in his habeas petition, rendering it moot. The Court will dismiss the petition. An accompanying Order follows.

DATE: **April 26, 2023**

s/Renée Marie Bumb  
RENÉE MARIE BUMB  
Chief United States District Judge

---

<sup>2</sup> Jonathon Kerr is a Senior CLC Attorney for the Federal Bureau of Prisons Northeast Regional Office.